

**TOWNSHIP TRUSTEES' BULLETIN
and Uniform Compliance Guidelines**

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ITEMS TO REMEMBER

JUNE

- June 1: On or before this date, certify to County treasurer a list of the name and addresses of all persons who have money due them. (IC 6-1.1-22-14)
- June 5: On or about the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories. IC 5-13-6-1.
- June 20: If School Township has become a part of a school corporation organized under Chapter 202, Acts 1959, as amended, and if the reorganized school unit is obligated for civil aid bond retirement, Trustee will receive from the school corporation an amount of money sufficient to pay civil aid bonds and coupons coming due July 1. (IC 20-4-1-35)

JULY

- July 1: On or before this date the trustee shall supply the county auditor with Township Trustees' Quarterly Poor Relief Report of Actual and Estimated Receipts and Disbursements (Township P.R. Form 8, 1993) as discussed in Township Trustees' Bulletin, Vol. 223, November 1993.
- July 4: Independence Day - Legal Holiday (IC 1-1-9-1)
- July 5: On or before the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories, IC 5-13-6-1.
- July 11: Dog Tax Distribution by Auditor of State - on or before this date the County Auditor makes distribution to townships having reported unpaid claims. (Second Monday in July) (IC 15-5-9-11)
- July 15: Last day to make pension report and payment for first quarter by townships participating in PERF.

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July 31: Last day to file quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the second quarter.

Last day to make report for second quarter to the Indiana Employment Security Division.

AUGUST

NOTE: The Township Board should set the salaries of township officials and employees except assessing officials and employees, in conjunction with the preparation and completion of the township budget. (Use Township Form 17)

Aug. 1: On the first Monday of each August the Trustee shall post, in a conspicuous place near his office, a verified statement showing the indebtedness of the township in detail and giving the number and total amount of outstanding orders, warrants and accounts. (IC 36-6-4-10)

Aug. 5: On or before the fifth day of each month the trustee shall file with the secretary of the Township Board of Finance a verified statement which shall reconcile, as of the last day of the preceding month, the balance of public funds as disclosed by his or her records with the statement of the balance made by the depositories, IC 5-13-6-1.

Aug. 13: Last day for first publication of Township Budget (10 days prior to the public hearing). (IC 6-1.1-17-3)

Aug. 20: Last day for second publication of Township Budgets (7 days after the first publication). (IC 5-3-1-2)

Aug. 23: Public hearing on proposed budget (at least 7 days prior to the adoption of the budget). (IC 6-1.1-17-5)

Aug. 30: Meeting of Township Board to make appropriations for 1995 and to fix tax levies. (After July 31st and before the last Tuesday in August) (IC 6-1.1-17-5)

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NEW LAWS AFFECTING TOWNSHIPS

The following is a digest of some of the laws passed by the 1994 General Assembly affecting townships. Please note the effective dates. Some of the laws do not pertain directly to townships but are included in the digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations. Nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form (Amends IC 12-20-10-1) (Amends Indiana Code, Title 12, Article 20, Chapter 10 Section 1).

PUBLIC LAW 1 - HOUSE ENROLLED ACT 1038 EFFECTIVE MARCH 18, 1994. Amends IC 5-14-3-2 to define electronic map, enhanced access, and facsimile machines.

PUBLIC LAW 6 - SENATE ENROLLED ACT 171 - EFFECTIVE JULY 1, 1994. TOWNSHIP BOUNDARIES. Adds IC 3-11-1.5-32.5 pertaining to townships in a county of a population of more than seven hundred thousand (700,000). Also, amends and adds to various sections of IC 36-6-6 for townships in a county having a population of more than seven hundred thousand (7,000,000) concerning establishing the legislative body districts and adding four township board members.

PUBLIC LAW 13 - HOUSE ENROLLED ACT 1049 - EFFECTIVE JULY 1, 1994. PRICE PREFERENCES. IC 5-17-6-7.5 is added to the "purchase description" as set forth in IC 4-13.4-1-25.

IC 5-17-6-12.1 is added to provide that a bidder may claim one (1) of the following types of preference for which the bidder is eligible: (1) an Indiana business preference under the rules adopted under IC 4-13.4-2-9, IC 4-13.6-6-2, or IC 8-23-2-16. (2) A preference for supplies as provided by IC 5-17-6-20, 20.1, 22, and 23. A bidder may not claim more than one (1) preference as provided by sections 20, 20.1, 22, and 23 of IC 5-17-6 for a given item of supplies.

Also makes changes to IC 5-17-6-20.1 on preferences of recycled material to provide the section does not apply when the purchase description is limited to a supply that meets the description in IC 5-17-6-20.1(b). Amends IC 5-17-6-22 to provide the section does not apply when the purchase description is limited to soybean oil based ink.

Also amends IC 5-17-6-23 to provide the section does not apply when the purchase description is limited to a fuel that at least twenty percent (20%) by volume of which is soy diesel/bio diesel.

PUBLIC LAW 22 - HOUSE ENROLLED ACT 1076 - EFFECTIVE JULY 1, 1994. FIREFIGHTERS TRAINING. Amends IC 36-8-10.5-7 concerning training on Sudden Infant Death Syndrome by full-town firefighters and volunteer firefighters.

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PUBLIC LAW 28 - SENATE ENROLLED ACT 288 - EFFECTIVE JULY 1, 1994. PUBLIC DEPOSITORY-STATE CHARTERED CREDIT UNIONS. Amends IC 5-13-4-10 to provide that "financial institution" includes a state chartered credit union in Indiana that is federally insured or privately insured and that has assets of three million dollars (\$3,000,000) or more."

PUBLIC LAW 29 - SENATE ENROLLED ACT 165 - EFFECTIVE JULY 1, 1994. BOARD OF FINANCE. Amends IC 5-13-7-2 to provide that a local board of finance of a political subdivision in a county having a consolidated city may designate the County Board of Finance for the purposes of the supervision of the designation and revocation of public depositories for public funds.

Also amends IC 5-13-8-5 to provide that local boards of finance may choose to participate with authorized agents of all local boards of finances.

PUBLIC LAW 33 - SENATE ENROLLED ACT 148 - EFFECTIVE JANUARY 1, 1995. BUDGETS. Amends IC 6-1.1-17-3 to provide that the political sub- division shall give notice to taxpayers of the proposed tax levy, the tax levy currently in effect, and the percentage change in these tax levies by publication of the notice.

Also amends IC 6-1.1-18-1 to provide that when fixing a budget, tax rate, and tax levy under IC 6-1.1-17-5 the officers of a political subdivision may not fix a budget or tax levy which exceeds the amount published.

PUBLIC LAW 35 - HOUSE ENROLLED ACT 1079 - EFFECTIVE JULY 1, 1994. TAX RATES. Amends IC 6-1.1-17-5 to provide that the township board shall meet each year to fix the budget, tax rate, and tax levy after July 31st and not later than the last Tuesday in August with notice given by the township trustee.

Also amends IC 6-1.1-17-16 to provide that after the State Board of Tax Commissioners makes a reduction in a political subdivision budget, the political subdivision has one (1) calendar week to decide how to make the reductions in the amounts budgeted for each office or department.

Also provides effective March 11, 1994 that each county board of tax adjustment, if applicable, shall hold its first meeting of each year on September 18th or on the first business day after September 18th, if September 18th is not a business day.

PUBLIC LAW 37 - HOUSE ENROLLED ACT 1123 - EFFECTIVE JULY 1, 1994. FIRE PROTECTION. Adds IC 6-1.1-18.5-3 to provide IC 6-1.1-18.5-3 tax levy limits do not apply to property taxes imposed by a civil taxing unit for fire protection services within a fire protection territory under IC 36-8-19.

Adds IC 36-8-19 to provide for fire protection territories in counties of a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000) and which contains as part a fire protection territory a municipality having a population of more than five thousand (5,000) but less than eight thousand (8,000).

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PUBLIC LAW 37 - HOUSE ENROLLED ACT 1123 - EFFECTIVE JULY 1, 1994. FIRE PROTECTION.
(Continued)

Also amends IC 36-8-13-4.5 effective March 18, 1994 that with the consent of the township legislative body, the township executive shall pay for fire protection and emergency services in the township, both inside and outside the corporate boundary of participating municipalities from any combination of the following funds that the township may establish:

1. The township firefighting fund under IC 36-8-13-4.
2. The cumulative building and equipment fund under IC 36-8-14.
3. The debt fund under IC 36-8-13-6 and IC 36-8-13-6.5.

PUBLIC LAW 68 - SENATE ENROLLED ACT 249 - EFFECTIVE MARCH 8, 1994. NATIONAL GUARD.

Amends IC 10-2-4-3 to provide that a member of the Indiana National Guard, reserve component, retired personnel of the naval, air, or ground forces of the United States, is entitled to receive from the member's employer a leave of absence from the member's respective duties, in addition to the member's regular vacation period, for the total number of days that the member is on state active duty under IC 10-2-4-4. The leave may be with or without loss of time or pay at the discretion of the member's employer.

PUBLIC LAW 92 - SENATE ENROLLED ACT 331 - EFFECTIVE JULY 1, 1994. DOG FUND. Amends IC 15-5-9-8 to define damages sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A) Sheep
- (B) Cattle
- (C) Horses
- (D) Swine
- (E) Goats
- (F) Mules
- (G) Chickens
- (H) Geese
- (I) Turkeys
- (J) Ducks
- (K) Guineaas
- (L) Tame Rabbits
- (M) Game birds and game animals held in captivity under the authority of a game breeder's license issued by the Department of Natural Resources.

Also amends IC 15-5-9-9.1 to provide that in order to qualify for damages a owner shall do the following: (1) not more than seventy-two hours (72) after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred: (A) a law enforcement officer. (B) An officer of a county or municipal animal control center, shelter, or other similar impounding facility. Also requires that within twenty days of the loss, the loss must be reported to the trustee. An officer who receives notice as required shall visit the scene of loss, verify the loss in writing, and mark the animal so that the animal can only support one (1) claim.

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PUBLIC LAW 92 - SENATE ENROLLED ACT 331 - EFFECTIVE JULY 1, 1994. DOG FUND. (Continued)

Also amends IC 15-5-9-10 to provide that an owner may not receive payment for damages if the person received from another person an amount equal to the actual damages; or for which the owner has not complied with IC 15-5-9-9.1.

PUBLIC LAW 116 - HOUSE ENROLLED ACT 1022 - EFFECTIVE MARCH 18, 1994. INSURANCE. Adds section 77 concerning the State Board of Accounts audits of Risk Pools under IC 36-1-7.

PUBLIC LAW 118 - HOUSE ENROLLED ACT 1252 - EFFECTIVE JULY 1, 1994. Adds IC 22-13-4-1.5 requiring the Fire Prevention and Building Safety Commission to adopt rules for construction and conversion of buildings for complying with A.D.A.

PUBLIC LAW 130 - SENATE ENROLLED ACT 355 - EFFECTIVE MARCH 4, 1994. INSURANCE. Adds section 52 concerning the State Board of Accounts audits of Risk Pools under IC 36-1-7.

PUBLIC LAW 161 - SENATE ENROLLED ACT 156 - EFFECTIVE JULY 1, 1994. BAD CHECKS. Adds IC 35-43-5-12 concerning felony classifications for persons knowingly or intentionally obtaining property by issuing or delivering a check, a draft, an electronic debit, or an order on a financial institution knowing that the amount will not be paid.

PUBLIC LAW 165 - SENATE ENROLLED ACT 180 - EFFECTIVE JULY 1, 1994. DISPOSAL OF PUBLIC PROPERTY. Amends IC 36-1-11-1 to provide that chapter does not apply to the disposal of residential structures or improvements by a municipal corporation without consideration to: (A) a governmental activity; or (B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality affordable housing for residents of Indiana having low or moderate incomes.

Also adds IC 36-1-11-4.2 concerning selling or transferring real property not acquired through eminent domain procedures for any of the following purposes:

- (1) To promote an economic development project.
- (2) To facilitate compatible land use planning.

The disposing agent shall first have the property appraised by two (2) appraisers. The appraisers must be: (1) professionally engaged in making appraisals; (2) licenses under IC 25-34.1; or (3) employees of the political subdivision familiar with the value of the property. The appraisers shall make a joint appraisal of the property. The disposing agent may negotiate a sale or transfer; and dispose of the real property; at a value that is not less than the appraised value determined.

Amends IC 36-1-11-5 to define an abutting land owner as the owner of property that touches on, borders on, or is contiguous to the property that is the subject of sale; and does not constitute a: (A) public easement; or (B) public right-of-way. Also defines offering price to

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PUBLIC LAW 165 - SENATE ENROLLED ACT 180 - EFFECTIVE JULY 1, 1994. DISPOSAL OF PUBLIC PROPERTY. (Continued)

mean the appraised value of the real property plus all costs associated with the sale including: (1) appraisal fee; (2) title insurance, (3) recording fees; and (4) advertising costs. Increases from two thousand to five thousand dollars (\$2,500) the dollar threshold for the section.

Requires that within ten days after the disposing agent makes a determination to sell under IC 36-1-11-5(d), the disposing agent shall publish a notice in accordance with IC 5-3-1 including the offering price. At the time of publication the disposing agent shall send notice by certified mail to all abutting land owners containing the same information as the public notice. Also increases to two thousand dollars (\$2,000) the assessed value required before the disposing agent is required to have the tract appraised.

Also amends IC 36-1-11-5.5 with references to IC 36-1-11-4 and IC 36-1-11-4.2.

PUBLIC LAW 171 - HOUSE ENROLLED ACT 1330 - EFFECTIVE JULY 1, 1994. FIRE PROTECTION DISTRICTS. Amends IC 36-8-14-2 to provide that before a cumulative billing and equipment fund could be established by a fire protection district the proposal must be approved by the State Board of Tax Commissioners and the county legislative body which appoints the trustees of the fire protection district. Also amends IC 36-8-14-4 to add fire protection districts.